

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NO SUMMONS ISSUED
CV 13 7183

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action-

No. CV-

- against -

(_____, J.)

(_____, M.J.)

COUNTY OF SUFFOLK,

Defendant.

-----X
COMPLAINT TOMLINSON, M.J.

Plaintiff UNITED STATES OF AMERICA, by its attorney LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, SANDRA L. LEVY, Assistant United States Attorney, of counsel, by the authority of the Attorney General and on behalf of the United States Environmental Protection Agency ("EPA"), for its complaint against defendant herein alleges as follows:

NATURE OF THE ACTION

1. This is a civil action brought at the request of the Administrator of EPA pursuant to Sections 3008 and 9006 of the Solid Waste Disposal Act, as amended by various laws, including the Resource Conservation and Recovery Act (hereinafter referred to as the "Act" or "RCRA"), 42 U.S.C. §§ 6928 and 6991e et seq., for civil penalties and injunctive relief for violations by defendant County of Suffolk ("defendant" or "Suffolk") of RCRA requirements regarding underground storage tanks ("USTs"), and RCRA requirements regarding disposal of hazardous waste, at or from facilities in Suffolk County, New York.

2. Suffolk has failed to meet several requirements mandated by Subtitle I of RCRA,

including: (1) failure to provide adequate release detection methods for tanks that routinely carry product, in violation of 40 C.F.R. §§ 280.40(a) and 280.41(a); (2) failure to provide overfill prevention system for tanks, in violation of 40 C.F.R. § 280.20(c)(1)(ii); (3) failure to perform release detection on pressurized piping for UST systems, in violation of 40 C.F.R. § 280.41(b)(1)(ii); (4) failure to perform release detection on underground suction piping for UST systems, in violation of 40 C.F.R. § 280.41(b)(2); and (5) failure to maintain and provide records of release detection, in violation of 40 C.F.R. §§ 280.34 and 280.45.

3. Suffolk has also generated and improperly disposed of spent fluorescent lamps without making a hazardous waste determination, in violation of 6 N.Y.C.R.R. § 372.2(a)(2).

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to Sections 3008 and 9006(a)(1) of RCRA, 42 U.S.C. §§ 6928 and 6991e(a)(1), and 28 U.S.C. §§ 1331, 1345, and 1355. Venue is proper in this district pursuant to Sections 3008 and 9006(a) of RCRA, 42 U.S.C. §§ 6928 and 6991e(a), and 28 U.S.C. §§ 1391(b) and (c) and 1395(a) because the violations occurred within this district and/or the defendant resides in this district.

DEFENDANT

5. Suffolk is a County organized pursuant to the laws of the State of New York.

6. Suffolk has owned and/or operated 68 USTs at the 35 facilities listed on Appendix A, which is incorporated by reference, at which EPA has identified violations of the RCRA requirements governing underground storage tanks.

7. The USTs owned and/or operated by Suffolk are at facilities located throughout the County of Suffolk, New York.

8. The USTs owned and/or operated by Suffolk are operated by various agencies

and/or departments of Suffolk County.

9. All of the facilities at which Suffolk has owned and/or operated USTs are located within the boundaries of a federally designated Sole Source Aquifer, which among other criteria, is an aquifer which supplies at least fifty percent (50%) of the drinking water consumed in the area within the Sole Source Aquifer boundaries. The Sole Source Aquifer designation is a tool to protect drinking water supplies in areas with few or no alternative sources to the groundwater resource, and where if contamination occurred, using an alternative source would be extremely expensive.

10. Suffolk has owned and/or operated facilities at which it has disposed of spent fluorescent lamps.

11. The facilities at which Suffolk has disposed of spent fluorescent lamps have been operated by the Suffolk County Department of Parks, Recreation and Conservation.

RCRA AND THE APPLICABLE REGULATIONS

12. RCRA established a comprehensive federal regulatory program for the management of hazardous wastes. 42 U.S.C. § 6901 et seq.

UST Requirements

13. On November 8, 1984, as part of the Hazardous and Solid Waste Amendments (“HSWA”) of 1984 to RCRA, Congress created Subtitle I of RCRA, Regulation of Underground Storage Tanks, 42 U.S.C. § 6991 et seq. This Subtitle I was created in response to the growing number of groundwater contamination incidents caused by regulated substances leaking from USTs.

14. Section 9003(a) of RCRA, 42 U.S.C. § 6991b(a), directs the Administrator of EPA to promulgate release detection, prevention, and corrective action regulations applicable to

all owners and operators of underground storage tanks, as may be necessary to protect human health and the environment.

15. "Owner" is defined in section 9001(3) of RCRA, 42 U.S.C. § 6991(3), as:

- (A) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and
- (B) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on November 8, 1984, any person who owned such tank immediately before the discontinuation of its use.

16. "Operator" is defined in section 9001(4) of RCRA, 42 U.S.C. § 6991(4), as "any person in control of, or having responsibility for, the daily operation of the underground storage tank."

17. The definition of "person," pursuant to section 1004(15) of RCRA, 42 U.S.C. § 6903(15), includes, but is not limited to, individuals, corporations, and partnerships.

18. "Underground Storage Tank" is defined in section 9001(l) of RCRA, 42 U.S.C. § 6991(l), in part, as, any one or combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of regulated substances.

19. "Underground Storage Tank System" is defined in 40 C.F.R. Part 280, Subpart A, § 280.12 as an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

20. "Regulated Substance" is defined in section 9001(2)(B) of RCRA, 42 U.S.C. § 6991(2)(B), in part, as "petroleum." Petroleum includes gasoline and used motor oil.

21. The regulations promulgated by the Administrator of the EPA pursuant to Subtitle I of RCRA are codified at 40 C.F.R. Parts 280 and 281.

22. Pursuant to 40 C.F.R. Part 280, Subpart A, § 280.10(a), "[t]he requirements of

this part apply to all owners and operators of an UST system."

23. The terms "Underground Storage Tank," "Regulated Substance," "Owner" and "Person" are defined in 40 C.F.R. Part 280, Subpart A, § 280.12 in a manner consistent with the statutory definitions.

24. Section 9003(a) of RCRA, 42 U.S.C. § 6991b(a), requires the EPA Administrator to promulgate release detection, prevention, and correction regulations applicable to all owners and operators of USTs, as may be necessary to protect human health and the environment.

25. The regulations setting forth the requirements governing the upgrade of UST systems are codified at 40 C.F.R. Part 280, Subpart B, §§ 280.20 and 280.21. These regulations require, among other things, installation of adequate overfill prevention systems for new and existing USTs.

26. Section 9003(c)(1) of RCRA, 42 U.S.C. § 6991b(c)(1), requires the EPA Administrator to promulgate regulations applicable to owners and operators of USTs, including requirements for maintaining release detection systems, inventory control systems together with tank testing, or a comparable system or method to identify releases in a manner consistent with the protection of human health and the environment.

27. The regulations setting forth the requirements for release detection from UST systems are codified at 40 C.F.R. Part 280, Subpart D, §§ 280.40-280.45. These regulations require, among other things: (a) adequate release detection methods capable of detecting a release from a tank that routinely contains product and the connected underground piping, (b) annual line tightness tests or monthly monitoring of pressurized piping of UST systems, and (c) line tightness tests every three years or monthly monitoring on suction piping of UST systems.

28. Section 9003(c)(2) of RCRA, 42 U.S.C. § 6991b(c)(2), requires the EPA

Administrator to promulgate regulations applicable to owners and operators of USTs, including requirements for maintaining records of any monitoring or testing of the UST system.

29. The regulations setting forth the general record keeping requirements and the specific record keeping requirements relating to release detection are codified at 40 C.F.R. Part 280, Subparts C, D and G, and 40 C.F.R. §§ 280.34 and 280.45, respectively.

30. Section 9006(a) and (d) of RCRA, 42 U.S.C. § 6991e(a) and (d), authorize the EPA Administrator to commence a civil action for appropriate relief, including a permanent or temporary injunction and civil penalties, when a person has violated or is in violation of Subtitle I of RCRA, 42 U.S.C. § 6991 et seq., or its implementing regulations.

31. Pursuant to Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d):

(2) Any owner or operator of an underground storage tank who fails to comply with (A) any requirement or standard promulgated by the Administrator under section 6991b . . . shall be subject to a civil penalty not to exceed \$10,000 for each tank for each day of violation.

32. Under the Federal Civil Penalty Inflation Adjustment Act of 1990 (28 U.S.C. § 2461, note: Pub. L. 101-410, enacted Oct. 5, 1990; 104 Stat. 890), as amended by the Debt Improvement Act of 1996 (31 U.S.C. § 3701, note: Pub. L. 104-134, enacted Apr. 26, 1996), EPA is required to adjust its penalties for inflation on a periodic basis. EPA has issued the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, which provides that violations that occur on or after January 30, 1997 are subject to a statutory maximum of \$11,000 per tank, and \$16,000 for violations that occur after January 12, 2009. See 61 Fed. Reg. 69,364 (Dec. 31, 1996); 69 Fed. Reg. 7,121 (Feb. 13, 2004); 73 Fed. Reg. 73,345 (Dec. 11, 2008).

Hazardous Waste Requirements

33. In Section 1002(b)(2), 42 U.S.C. § 6901(b)(2), the Congress found:

with respect to the environment and health, that –

...

(2) disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment

34. Section 1003(a) of RCRA, 42 U.S.C. § 6902(a), provides, inter alia, that:

[t]he objectives of this chapter are to promote the protection of health and the environment . . . by –

...

(4) assuring that hazardous waste management practices are conducted in a manner which protects human health and the environment;

(5) requiring that hazardous waste be properly managed in the first instance thereby reducing the need for corrective action at a future date; [and]

...

(8) providing for the promulgation of guidelines for solid waste collection, transport, separation, recovery, and disposal practices and system.

35. Further, Section 1003(b) of RCRA, 42 U.S.C. 6902(b), states that:

The Congress hereby declares it to be the national policy of the United States that, wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored or disposed of so as to minimize the present and future threat to human health and the environment.

36. Section 3002 of RCRA, 42 U.S.C. § 6922, directs the Administrator of EPA to promulgate regulations establishing standards applicable to generators of hazardous waste as

may be necessary to protect human health and the environment.

37. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator may, if certain criteria are met, authorize a state to operate a “hazardous waste program” (within the meaning of Section 3006 of RCRA, 42 U.S.C. § 6926) in lieu of the regulations comprising the federal hazardous waste program.

38. The State of New York received final authorization to administer its base hazardous waste program on May 29, 1986. Since 1986, New York State has been authorized for many other hazardous waste requirements promulgated by EPA pursuant to RCRA, 40 C.F.R. § 272.1651. See also 67 Fed. Reg. 49864 (August 1, 2002), 70 Fed. Reg. 1825 (January 11, 2005), 74 Fed. Reg. 31380 (July 1, 2009), and 78 Fed. Reg. 15299 (March 11, 2013).

39. The State of New York’s hazardous waste regulations are set forth in Title 6 of the New York Code of Rules and Regulations (“N.Y.C.R.R.”), Parts 370 through 376.

40. The authorized New York State hazardous waste regulations are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 40 C.F.R. § 272.1651(c).

41. Pursuant to 6 N.Y.C.R.R. § 372.2 (a)(2) “[a] person who generates a solid waste must determine if that waste is a hazardous waste” in accordance with the procedures and methods prescribed therein.

42. 6 N.Y.C.R.R. § 371.1(c)(1) defines “solid waste” in relevant part as “discarded material.” “Discarded material” includes “any material which is: (i) abandoned,” and “materials are solid waste if they are abandoned by being: (i) disposed of; (ii) burned or incinerated; or (iii) accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of.” 6 N.Y.C.R.R. §§ 371.1(c)(2) and (3); see also 42 U.S.C. § 6903(27)(defining

“solid waste”).

43. A solid waste not specifically listed as “hazardous” is deemed “hazardous” if it exhibits one or more of four characteristics: ignitability, corrosivity, reactivity, or toxicity. See 6 N.Y.C.R.R. § 371.3; see also 40 C.F.R. §§ 261.20-261.24 (equivalent federal regulations).

44. A fluorescent lamp is a “lamp” within the meaning of 6 N.Y.C.R.R. § 374.1(i)(5).

45. Pursuant to 6 N.Y.C.R.R. § 374-3.1(e)(3)(i), a used “lamp” becomes waste on the day it is discarded.

46. Pursuant to 6 N.Y.C.R.R. § 374-3.1(e)(2)(ii), a “lamp” is a hazardous waste if it exhibits one or more of the characteristics listed in 6 N.Y.C.R.R. § 371.3.

47. Section 3007 of RCRA, 42 U.S.C. § 6927(a), provides, in relevant part, that “any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency . . . furnish information relating to such wastes. . . .”

48. Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), authorize the Administrator to commence a civil action for appropriate relief, including a permanent or temporary injunction and civil penalties, when any person has violated, or is in violation, of RCRA or its implementing regulations.

49. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), authorizes EPA to enforce the regulations constituting the authorized State program.

50. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. Part 19, any person who violates any requirement of RCRA is liable to the United States for a civil penalty of up to \$27,500 for each day of such violation that occurs after January 30, 1997, up to \$32,500 for each day of violation that occurs after March 15, 2004, and up to \$37,500 for each

day of violation that occurs after January 12, 2009.

DEFENDANT'S STATUS UNDER RCRA

51. Suffolk is a “person” within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. § 280.12.

52. Suffolk has been and is an “owner” of USTs within the meaning of Section 9001(4) of RCRA, 42 U.S.C. § 6991(4) and 40 C.F.R. § 280.12.

53. Suffolk has been and is an “operator” of USTs within the meaning of Section 9001(3) of RCRA, 42 U.S.C. § 6991(3) and 40 C.F.R. § 280.12.

54. Pursuant to Sections 3008 and 9006(a) and (d) of RCRA, 42 U.S.C. §§ 6928 and 6991e(a) and (d), Suffolk is subject to injunctive relief and is liable for civil penalties based upon the claims for relief identified below.

FIRST CLAIM FOR RELIEF

Failure to Provide Adequate Release Detection for Tanks

55. Paragraphs 1 through 54 are realleged and incorporated herein by reference.

56. Pursuant to 40 C.F.R. §§ 280.40(a) and 280.41(a), Suffolk was required to provide a release detection method, or combination of methods, that can detect a release from a tank that routinely contains product.

57. EPA inspections and EPA’s review of Suffolk’s records has revealed that Suffolk failed to comply with the requirements of 40 C.F.R. §§ 280.40(a) and 280.41(a) that it provide adequate release detection method, or combination of methods that can detect a release from the tanks that it owned and/or operated, and which routinely contain product, and that it monitor tanks every at least every 30 days for releases, at many of the facilities listed in Appendix A.

58. Pursuant to Sections 9006(a) and (d) of RCRA, 42 U.S.C. § 6991e(a) and (d), Suffolk is subject to injunctive relief and is liable for civil penalties based upon the first claim for

relief.

SECOND CLAIM FOR RELIEF

Failure to Provide Overfill Prevention System for Tanks

59. Paragraphs 1 through 58 are realleged and incorporated herein by reference.

60. Pursuant to 40 C.F.R. § 280.20(c)(1)(ii), Suffolk is required to provide overfill prevention systems for new tank systems. “New tank systems” are defined as any tank systems that were installed after December 22, 1988, *see* 40 C.F.R. § 280.12.

61. EPA inspections and EPA’s review of records reveal that Suffolk failed to comply with the overfill prevention requirements of 40 C.F.R. § 280.20(c)(1)(ii) for the new tank systems that it owned and/or operated, and which routinely contain product, at many of the facilities listed in Appendix A.

62. Pursuant to Sections 9006(a) and (d) of RCRA, 42 U.S.C. §§ 6991e(a) and (d), Suffolk is subject to injunctive relief and is liable for civil penalties based on the second claim for relief.

THIRD CLAIM FOR RELIEF

Failure to Perform Release Detection for Pressurized Piping

63. Paragraphs 1 through 62 are realleged and incorporated herein by reference.

64. Pursuant to 40 C.F.R. § 280.41(b)(1)(ii), Suffolk is required to perform annual line tightness tests or have monthly monitoring of pressurized piping.

65. EPA inspections and EPA’s review of records reveal that Suffolk failed to comply with 40 C.F.R. § 280.41(b)(1)(ii) because it did not perform annual line tightness tests or perform monthly monitoring of pressurized piping on UST systems that it owned and/or operated at certain facilities listed in Appendix A.

66. Pursuant to Sections 9006(a) and (d) of RCRA, 42 U.S.C. §§ 6991e(a) and (d), Suffolk is subject to injunctive relief and is liable for civil penalties based on the third claim for relief.

FOURTH CLAIM FOR RELIEF

Failure to Perform Release Detection for Suction Piping

67. Paragraphs 1 through 66 are realleged and incorporated herein by reference.

68. Pursuant to 40 C.F.R. § 280.41(b)(2), Suffolk is required to perform line tightness tests every three years or provide monthly monitoring of suction piping on tank systems that it owns and/or operates.

69. EPA inspections and EPA's review of Suffolk's records reveal that Suffolk failed to comply with 40 C.F.R. § 280.41(b)(2) because it did not perform line tightness tests every three years or perform monthly monitoring of suction piping on UST systems that it owns and/or operates at certain facilities listed in Appendix A.

70. Pursuant to Sections 9006(a) and (d) of RCRA, 42 U.S.C. §§ 6991e(a) and (d), Suffolk is subject to injunctive relief and is liable for civil penalties based on the fourth claim for relief.

FIFTH CLAIM FOR RELIEF

Failure to Maintain and Provide Records of Release Detection

71. Paragraphs 1 through 70 are realleged and incorporated herein by reference.

72. Pursuant to 40 C.F.R. §§ 280.34 and 280.45, Suffolk is required to maintain and provide records demonstrating compliance with release detection requirements for the new and existing UST systems that it owns and/or operates, and to submit that information to EPA upon request.

73. EPA inspections and EPA's review of Suffolk's records reveal that Suffolk failed to maintain and provide records of release detection for the UST systems that it owned and/or operated at many of the facilities that are listed in Appendix A, in violation of 40 C.F.R. §§ 280.34 and 280.45.

74. Pursuant to Sections 9006(a) and (d) of RCRA, 42 U.S.C. § 6991e(a) and (d), Suffolk is subject to injunctive relief and is liable for civil penalties based upon the fifth claim for relief.

SIXTH CLAIM FOR RELIEF

Failure to Make Hazardous Waste Determination

75. Paragraphs 1 through 74 are realleged and incorporated herein by reference.

76. The spent fluorescent lamps that Suffolk County disposed of at facilities operated by the Suffolk County Department of Parks, Recreation and Conservation ("SPDPRC") were "lamps" within the meaning of 6 N.Y.C.R.R. § 374.1(i)(5), and "solid waste" within the meaning of 6 N.Y.C.R.R. § 371.1(c)(1) and RCRA Section 1004(27), 42 U.S.C. § 6903(27).

77. Pursuant to 6 N.Y.C.R.R. § 372.2(a)(2), Suffolk was required to make a hazardous waste determination when it generated spent fluorescent lamps at facilities it owned and/or operated.

78. EPA inspections and EPA's review of Suffolk's records reveal that Suffolk failed to make hazardous waste determinations at facilities owned by Suffolk and operated by the SCDPRC, in violation of 6 N.Y.C.R.R. § 372.2(a)(2).

79. Pursuant to Sections 3008 of RCRA, 42 U.S.C. § 6928, Suffolk is subject to injunctive relief and is liable for civil penalties based upon the sixth claim for relief.

PRAYER FOR RELIEF

WHEREFORE, plaintiff, the United States of America respectfully prays that this Court grant the following relief:

Enjoin the defendants to comply with all applicable requirements for Subtitle I of RCRA, 42 U.S.C. § 6991 et seq., and its implementing regulations;

With respect to each day of each violation of Subtitle I of RCRA and its implementing regulations at each facility set forth under the first through fifth claims for relief set forth in this Complaint, order defendants to pay a civil penalty in the amount of \$11,000 per tank for each day of violation after January 30, 1997, and \$16,000 per tank for each day of violation after January 12, 2009;

Enjoin the defendants to comply with all applicable rules for the handling of spent fluorescent lamps, including 6 N.Y.C.R.R. § 372.2(a)(2);

With respect to each day of each violation of 6 N.Y.C.R.R. § 372.2(a)(2) at each facility set forth under the sixth claim for relief set forth in this Complaint, order defendants to pay a civil penalty of up to \$27,500 for each day of such violation that occurs after January 30, 1997, up to \$32,500 for each day of violation that occurs after March 15, 2004, and \$37,500 for each day of violation that occurs after January 12, 2009; and

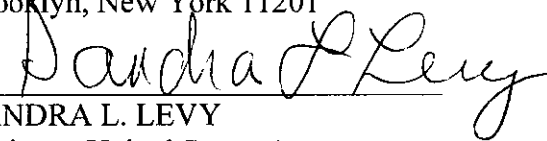
Award plaintiff the costs of this action, and such further relief as this Court may deem appropriate.

ROBERT G. DREHER
Acting Assistant Attorney General
Environment and Natural
Resources Division
United States
Department of Justice

Dated: Brooklyn, N.Y.
December 17, 2013

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
Attorney for Plaintiff
271 Cadman Plaza East
Brooklyn, New York 11201

By:


SANDRA L. LEVY
Assistant United States Attorney
(718) 254-6014

Of Counsel:
STUART KEITH
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region 2
290 Broadway
New York, NY 10007

APPENDIX A

**SUFFOLK'S FACILITIES WITH UNDERGROUND STORAGE TANKS
AT WHICH EPA HAS IDENTIFIED VIOLATIONS OF RCRA**

This list includes the federally-regulated USTs and UST systems, as identified below, that Suffolk has owned and/or operated, at which EPA has identified violations of RCRA's underground storage tank requirements.

Suffolk County Department of Public Works ("DPW") Highway Maintenance Yard,
Nicholls Road, Centereach, NY – one UST

DPW Highway Maintenance Yard, 97 Crooked Hills Road, Commack, NY – five USTs

Groundsman Garage, Griffing Avenue, Commack, NY – one UST

DPW Highway Maintenance Yard, Shinnecock Hill Road, Hampton Bays, NY – two USTs

Fueling Facility, Veterans Highway, Hauppauge, NY – four USTs

Police Garage, Old Willet's Path, Hauppauge, NY – one UST

DPW Highway Maintenance Yard, Oakwood Road, Huntington, NY – one UST

DPW Highway Maintenance Yard, CR-27 Riverhead Greenport Road,
Southold, NY – three USTs

Highway Garage, CR31 Westhampton Beach, Westhampton, NY
(a/k/a Suffolk County Gabreski Airport) – two USTs

Fueling Facility C342, 335 Yaphank Avenue, Yaphank, NY – three USTs

Garage C342, 335 Yaphank Avenue, Yaphank, NY – seven USTs

Police Garage, C850, CR 21 Yaphank Avenue, Yaphank, NY – three USTs

Bergen Point County Park, 69 Bergen Avenue, Babylon, NY – one UST

Cathedral Pines Park, Yaphank Road, Middle Island, NY – one UST

APPENDIX A (cont'd)

**SUFFOLK'S FACILITIES WITH UNDERGROUND STORAGE TANKS
AT WHICH EPA HAS IDENTIFIED VIOLATIONS OF RCRA**

Cedar Point Park, Cedar Point Road, East Hampton, NY – one UST

Indian Island Park, Riverside Drive, Riverhead, NY – two USTs

Southaven Park, Victory Avenue, Brookhaven, NY – one UST

Timber Point Park, Great River Road, Great River, NY – three USTs

West Sayville Park, 92 West Avenue, West Sayville, NY – two USTs

Suffolk County Police Department Precincts:

1st Precinct, 555 Route 109, West Babylon, NY – one UST

2nd Precinct, 1171 Park Avenue, Huntington, NY – one UST

3rd Precinct, 1630 Fifth Avenue, Bay Shore, NY – two USTs

4th Police Precinct, CO 335, 45 Old Willet's Path, Happaugue, NY – one UST

5th Precinct, 125 Waverly Avenue, Patchogue, NY – one UST

6th Precinct, 400 Middle County Road (Route 25), Selden, NY – one UST

7th Precinct Sub-Station, One Newins Street, Center Moriches, NY – one UST

7th Precinct, 1491 William Floyd Parkway, Shirley, NY – one UST

BOMARC (Suffolk County Police Academy), 110 Old Country Road,
Westhampton, NY – one UST

Police Helicopter Facility, 100 Arrival Avenue, Ronkonkoma, NY – two USTs

Police Marine Bureau, Great River Road, Great River, NY – three USTs

Bergen Point WPCP, 600 Bergen Avenue, Babylon, NY – three USTs

APPENDIX A (cont'd)

**SUFFOLK'S FACILITIES WITH UNDERGROUND STORAGE TANKS
AT WHICH EPA HAS IDENTIFIED VIOLATIONS OF RCRA**

VEEB (Suffolk County Fire Academy) C551, Yaphank Avenue,
Yaphank, NY – two USTs

Suffolk County Probation C110, CR21 Yaphank Avenue, Yaphank, NY – one UST

S.D. #7, Twelve Pines, Woodside Avenue, Medford, NY – one UST

STP, Yaphank, Yaphank Avenue, Yaphank, NY – two USTs